

1 CRIMINAL COURT OF THE CITY OF NEW YORK.
2 COUNTY OF QUEENS: AR-1

3 -----x
4 PEOPLE OF THE STATE OF NEW YORK,

5 -against-

Docket No.
2013QN036178

6 GONSALVO CORTES,

7 Defendant.
8 -----x

9 July 1, 2013
10 125-01 Queens Boulevard
11 Kew Gardens, New York

12 B E F O R E:

13 HONORABLE GIA MORRIS, Presiding
14 Criminal Court Judge

15 APPEARANCES:

16 RICHARD A BROWN, ESQ.
17 District Attorney of Queens County
18 Attorney for the People
19 125-01 Queens Boulevard
20 Kew Gardens, New York 11415

21 BY: ASHLEY MORRIS, ESQ.,
22 Assistant District Attorney

23 LEGAL AID SOCIETY OF QUEENS COUNTY
24 For the Defendant
25 120-46 Queens Boulevard
Kew Gardens, New York 11415

BY: DIEGO FREIRE, ESQ.

____LISA CUTRONE, Official Court Reporter____

1 COURT OFFICER: Docket ending 178, Gonsalvo
2 Cortes. Defendant charged with Penal Law 120.00 sub (1) and
3 other docketed charges.

4 Counsel, waive the reading of the rights and
5 charges, not the rights thereunder?

6 MR. FREIRE: Diego Freire, Legal Aid Society for
7 the Defendant. So waived.

8 COURT OFFICER: Spanish language interpreter
9 required and present.

10 THE COURT: What's the relationship between the
11 parties?

12 MS. MORRIS: Ashley Morris for the People. Your
13 Honor, Defendant was a patron and complainant was a
14 bartender.

15 THE COURT: Thank you. Notices. Is this a cross
16 complaint?

17 MS. MORRIS: No, your Honor.

18 THE COURT: I ask because your client is in a
19 sling.

20 MR. FREIRE: What happened at the precinct Judge,
21 based upon information and belief --

22 MS. MORRIS: People serving Vienna Convention
23 Notice, 250.20 Notice, 240.30 Notice. Serving 710.30 (1b)
24 Identification Notice of a point out identification made by
25 Peter Olivera (ph) on July 1, 2013 at 3:25 a.m. at 78-11

1 Roosevelt Avenue made to Police Officer Matthew Smith. No
2 further notices at this time. The People consent to the
3 Defendants release with a full order of protection.

4 THE COURT: Did you want to make a record about
5 the injuries?

6 MR. FREIRE: Yes, Judge. First Mr. Cortes needs
7 to retain private counsel. Mr. Cortes informed me that at
8 the precinct he had wanted to use the restroom. There was
9 some verbal altercation with one of the officers. Five
10 officers escorted him to the bathroom where they pushed him
11 up against the wall and he sustained injuries to his
12 shoulder. He had to go to the hospital. Those are not
13 injuries that he sustained at the scene, Judge.

14 THE COURT: So Mr. Cortes, I'm releasing you on
15 your own recognizance, but I'm issuing an order of
16 protection in favor of Peter Olivera. That means you can
17 not have contact with him; not by phone, e-mail, text
18 messages or any other form of communication. It also means
19 that the bar that you were at on Roosevelt Avenue, you can
20 not go there.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 (Continued on the following page.)
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25

1 THE COURT: So put this on in AP-1, September 4th.
2 You are released. Come back to court on that date. If you
3 do not, a warrant will be issued for your arrest.

4 Mr. Cortes, you're not eligible for court
5 appointed counsel. So that form will help you find an
6 attorney.

7
8 *** **

9 C E R T I F I C A T I O N

10
11 I, Lisa Cutrone, an Official Court Reporter, do hereby
12 certify that this transcript is a true and accurate
13 transcription of my stenographic notes taken on this day.

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16 LISA CUTRONE
17 Official Court Reporter
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